

SEP 1 2009

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NC**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA
MISC. NO. 1: 09-MC- 39**

**IN RE: ALLOCATION OF CRIMINAL AND CIVIL CASES FROM
THE ASHEVILLE , BRYSON CITY, AND SHELBY DIVISIONS
ORDER**

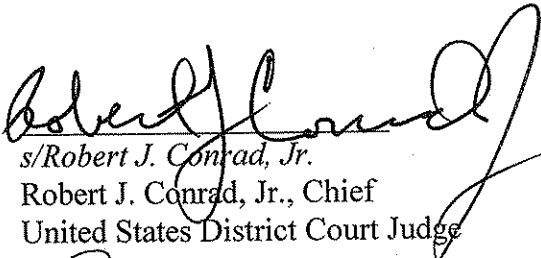
The following case assignment allocations will be applied in the Asheville, Bryson City and Shelby Divisions and supercede all other prior orders as they may relate to these divisions. Unless specifically stated otherwise, these case assignment allocations are effective upon the entry of this Order.

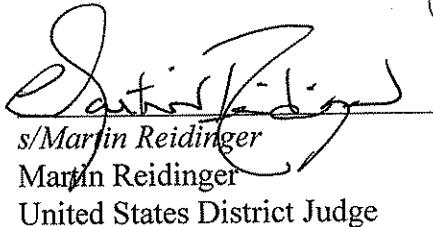
1. All Asheville, Bryson City and Shelby Division criminal cases will be assigned to Judge Reidinger.
2. Any criminal case filed in these divisions in which Judge Reidinger must recuse himself due to a conflict shall be assigned first to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
3. Judge Reidinger shall be assigned all civil cases from these divisions, except for death penalty cases which are the subject of a separate order.
4. Any civil case in which Judge Reidinger has a conflict shall be reassigned in the following order taking into consideration potential conflicts: Senior Judge Mullen, then to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
5. Judge Reidinger shall continue to be assigned all 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case. He shall also be assigned all 28 U.S.C. § 2255 actions in which Judge Thornburg was the presiding judge in the underlying criminal case.
6. Any case that is remanded for further proceedings pursuant to a mandate of the U.S. Court of Appeals for the Fourth Circuit in which Judge Thornburg was the presiding judge shall be assigned to Judge Reidinger.
7. Senior Judge Mullen shall be assigned all prisoner pro se cases filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).

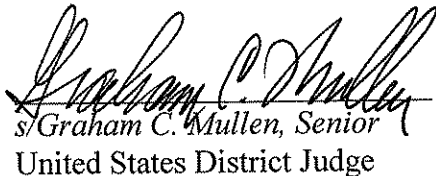
8. Non-consent civil cases are referred to Magistrate Judge Howell for all pretrial proceedings. Consent cases will be handled by Magistrate Judge Howell for all purposes and in all respects. Pretrial matters in criminal cases are referred to Magistrate Judge Howell.
9. All pending civil and criminal cases presently assigned to Judge Thornburg are to be reassigned to Judge Reidinger. For the efficient administration of justice this provision of the Order is effective retroactively to August 31, 2009.
10. The rules for allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order No. 3: 07-MC-61.

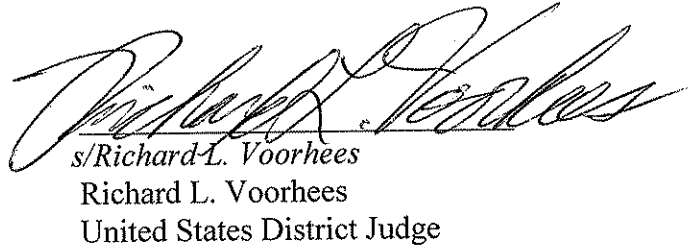
The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

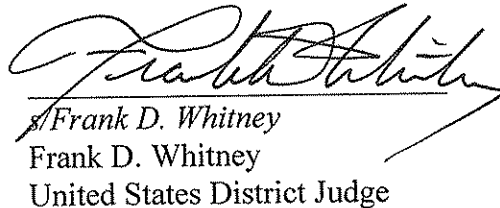
IT IS SO ORDERED, this 1st day of September 1, 2009.


s/Robert J. Conrad, Jr.
Robert J. Conrad, Jr., Chief
United States District Court Judge


s/Martin Reidinger
Martin Reidinger
United States District Judge


s/Graham C. Mullen, Senior
United States District Judge


s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge


s/Frank D. Whitney
Frank D. Whitney
United States District Judge